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10 **UNITED STATES DISTRICT COURT**
11 **NORTHERN DISTRICT OF CALIFORNIA**
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13 TUAN NGUYEN, individually and on
14 behalf of classes of similarly situated
individuals,

15 Plaintiff,

16 v.

17 EQUILON ENTERPRISES LLC, a
18 Delaware Limited Liability Company,

19
20 Defendant.

Case No.: 4:12-cv-04650-YGR

CLASS ACTION

**ORDER GRANTING MOTION FOR
FINAL APPROVAL OF CLASS ACTION
SETTLEMENT AND JUDGMENT**

1 The Court having granted preliminary approval of the class action settlement on March
 2 25, 2014, directed notice of the proposed settlement to all Class Members, having read and
 3 considered Plaintiff Tuan Nguyen's Motion for Final Approval of Class Settlement and all
 4 supporting papers, including Defendant Equilon Enterprises LLC's Non-Opposition to
 5 Plaintiff's Motion for Final Approval of Class Settlement, and upon consideration of argument
 6 presented on August 26, 2014, and with good cause appearing, **IT IS HEREBY ORDERED,**
 7 **ADJUDGED, AND DECREED** that:

8 1. The Court hereby finds that the notice of settlement, which was provided to all
 9 Class Members¹ via email, U.S. mail, direct telephone calls, a settlement website and online
 10 banner advertising campaign, as previously ordered by the Court and as supplemented by the
 11 parties, described the terms of the proposed Settlement, provided the date of the fairness
 12 hearing, the manner in which Class Members could object to or participate in the settlement,
 13 and the manner in which Class Members could opt out of the class. The Court finds that it was
 14 the best notice practicable under the circumstances, and complied fully with Federal Rule of
 15 Civil Procedure 23(c)(2)(B) and 23(e)(1), due process and all other applicable laws. The Court
 16 further finds that a full and fair opportunity has been afforded to all Class Members to
 17 participate in the proceedings convened to determine whether the proposed Settlement should
 18 be given final approval. No objection was filed to the Settlement and no Class Member opted
 19 out of the Settlement. No statements in opposition to the Settlement were made at the hearing
 20 on August 26, 2014. Accordingly, the Court hereby determines that all Class Members are
 21 bound by this Judgment and Final Order.

23 ¹ As set forth in the Court's order granting preliminary approval and the Settlement
 24 Agreement and Release, Settlement Class 1 is defined as: "All California residents who called
 25 888-GO-SHELL (888-467-4355) from a cellular or cordless telephone while located in
 26 California between May 1, 2008 and March 25, 2011, inclusive, and were transferred to the
 27 Manila, Philippines call center, and who did not opt-out of the settlement" and Settlement
 28 Class 2 is defined as: "All California residents who called 888-GO-SHELL (888-467-4355)
 from a cellular or cordless telephone while located in California between March 26, 2011 and
 September 12, 2012, inclusive, and were transferred to the Manila, Philippines call center, and
 who did not opt-out of the settlement." See Dkt. Nos. 36 at ¶ 3 and 28-3 at ¶¶ 1(h) and 1(i).

1 2. The Court finds that the Settlement is fair, reasonable, and adequate in all
2 respects, and is the product of good faith, arm's length negotiations between the parties, and
3 fully complies with all applicable provisions of law. Accordingly, the Court hereby finally and
4 unconditionally approves the Settlement, and specifically:

5 a. Approves the Common Fund of \$1,975,000.00 as fair, reasonable, and
6 adequate. Within the deadline set forth in the Settlement Agreement and Release, Defendant
7 shall deposit with the Claims Administrator the amount required to fund all payments required
8 by this Judgment and Final Order;

9 b. Approves that \$5,000.00 be paid to the Named Plaintiff and Class
10 Representative Nguyen as a service award, which is justified by the time and effort expended
11 by the Named Plaintiff on behalf of the class and risk he assumed in bringing this action;

12 c. Approves Class Counsel's attorneys' fee request of \$493,750.00,
13 unopposed and agreed by Defendants, which equals 25% of the total settlement value and
14 represents a multiplier of 1.15 on Class Counsel's actual lodestar of \$430,470.00 through July
15 18, 2014 plus the expected attorney hours to be worked after that date to complete
16 administration of the settlement;

17 d. Approves Class Counsel's request for reimbursement of litigation
18 expenses of \$15,960.96;

19 e. Approves payment to Kurtzman Carson Consultants LLC, the Claims
20 Administrator of an amount not to exceed \$95,811.71 as costs and expenses of settlement
21 administration;

22 f. Approves the extension of the deadline by which Class Members must
23 submit claim forms and the acceptance of any valid claim forms that are postmarked on or
24 before August 26, 2014;

25 g. Approves payment from the Common Fund of amounts determined by the
26 Claims Administrator to be due to Class Members as specified in the Settlement Agreement
27 and Release and subject to the extended claims deadline; and
28

1 h. Approves payment of any unused funds remaining in the Common Fund
2 to the *cy pres* recipient, Consumer Action, to be used exclusively for privacy issues in
3 California as specified in the Settlement Agreement and this Judgment and Final Order.

4 3. This Judgment and Final Order shall have a *res judicata* effect and bar the
5 Named Plaintiff and each Class Member from bringing any action asserting any “Released
6 Claims” as the term is defined in the Settlement Agreement and Release.

7 4. This Court shall retain jurisdiction to enforce the terms of the Settlement
8 Agreement and Release for one year from the date of this Judgment and Final Order.

9 5. The Clerk of the Court shall enter Judgment in accordance with this Judgment
10 and Final Order.

11 6. This action shall be **DISMISSED WITH PREJUDICE**.

12 **IT IS SO ORDERED.**

13
14 Dated: _____, 2014

15 _____
16 YVONNE GONZALEZ ROGERS
United States District Court Judge